

Notice of Allowability

Application No.

10/787,312

Applicant(s)

GOROVOY ET AL.

Examiner

Dean O. Takaoka

Art Unit

2817

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's amendment dated August 23, 2007.
2. ☒ The allowed claim(s) is/are 1-17.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 9/28/07.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>9/28/07</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Isis E. Caulder on September 28, 2007.

In the claims, amended claims 1 and 12.

1. (currently amended): A microwave switch housing assembly for operation in a selected frequency range, comprising:

- (a) a housing;
- (b) a rotor rotatably mounted within said housing;
- (c) at least one waveguide passage in said rotor;
- (d) said housing having ports formed therein so that in a first position of said rotor, said waveguide passage connects said ports and in a second position of said rotor, said waveguide passage is unconnected to said ports;
- (e) a channel formed within one of said housing and said rotor such that said channel is positioned adjacent to one end of said waveguide passage when said rotor is in said second position;
- (f) a said power absorbing element positioned and secured within said channel, a side of said power absorbing element being aligned with one of the inner radius of the housing and the outer radius of the rotor being capable of absorbing electromagnetic

energy in said frequency range, so as to reduce the tendency of said waveguide passage to act as a volume resonator when said rotor is in said second position.

12. (currently amended): A microwave switch housing assembly for operation in a selected frequency range, comprising:

- (a) a housing;
- (b) a rotor rotatably mounted within said housing; (c) at least one waveguide passage in said rotor;
- (d) said housing having ports formed therein so that in a first position of said rotor, said waveguide passage connects said ports and in a second position of said rotor, said waveguide passage is unconnected to said ports, said housing having a channel formed therein;
- (e) a power absorbing element positioned and secured within said channel, a side of said power absorbing element being aligned with one of the inner radius of the housing and the outer radius of the rotor being capable of absorbing electromagnetic energy in said frequency range, said power absorbing element and channel positioned adjacent to one end of said waveguide passage and aligned therewith when said rotor is in said second position, to change the boundary conditions for said waveguide passage in said second position so as to reduce the tendency of said waveguide passage to act as a volume resonator when said rotor is in said second position.

Drawings

Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

Figure 1 is disclosed as prior art (page 4).

Corrected drawings in compliance with 37 CFR 1.121(d) are required on or before the payment of the issue fee to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. The objection to the drawings will not be held in abeyance.

Allowable Subject Matter

Claims 1 – 17 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: It is the position of the Examiner that the prior art neither teaches or suggest the limitations of the claims. In particular, the power absorbing element has now been defined comprising a material other than air (Hettalge, Mayer and some embodiments of Spinner). Furthermore, the position of Applicants power absorbing element (118) has been defined to be secured in the channel (116) and comprise a side aligned with the inner portion of the housing (102 – Fig. 2) or the outer portion of the rotor (214 – Figs. 8 – 9D) where elements of Spinner are circular, are recessed in the channel, and are not aligned with the either the inner radius of the housing (1) or outer radius of the rotor (4) where Spinner provides no motivation to do so or would have been obvious.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dean O. Takaoka whose telephone number is (571) 272-1772. The examiner can normally be reached on 8:30a - 5:00p Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pascal can be reached on (571) 272-1769. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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September 28, 2007